

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

AUGUST 2, 2007

The Marlboro Township Council held its rescheduled regular meeting on August 2, 2007 at 7:00 P.M., commencing at 7:25 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this rescheduled regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on April 13, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor. (Absent: Morelli)

Also present were: Andrew Bayer, Esq., Mayor Robert Kleinberg, Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

At 7:30 PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing personnel and contract negotiations. This was seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-250

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd

day of August, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, personnel and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:15PM, Councilman Pernice moved that the meeting be opened. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

Councilman Pernice moved that the minutes of July 12, 2007 be approved. This motion was seconded by Council Vice President Rosenthal and the minutes were passed on a roll call vote of 3 - 0 in favor, with Council President Cantor abstaining (Absent: Morelli).

The following Resolution Res. # 2007-235/Ord. # 2007-15 (Amend Chapter 147 - Wreckers Ordinance) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Tragni. Discussion followed, after which Res. #2007-235/Ord. #2007-15 (As Amended) was passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-235

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-15 (As Amended)

AN ORDINANCE AMENDING CHAPTER 147, "WRECKERS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 6, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-15 (As Amended)

AN ORDINANCE AMENDING CHAPTER 147, "WRECKERS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 147 of the Code of the Township of Marlboro ("Township") sets forth the requirements regarding the licensure and use of wreckers in the Township; and

WHEREAS, the Traffic and Safety Bureau of the Division of Police in the Township have found that it is necessary to make certain changes to the requirements for licensure and use of wreckers in the Township; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 147 "Wreckers" be and hereby is amended to read as follows:

§ 147-2. License required.

B. There shall be a total of nine (9) licenses issued by the Business Administrator or her designee. There will be no limit on how many towing equipment vehicles may be licensed per business license.

§ 147-7. Denial of license.

In the event that the Business Administrator denies such application, written notification of such denial shall be mailed to the applicant within three days of such denial. The applicant may, within 10 days thereafter, appeal such denial to the Review Committee, which shall hold a hearing for the purpose of reviewing such determination within 30 days of the receipt of such notice of appeal. The Review Committee shall be comprised of the Mayor, the Mayor's Designee, the Chief of Police (or his designee), and a member of Township Council.

§ 147-10. License fee.

The fee for the issuance of a wrecker's license shall be the sum of \$30.00 for the business and \$20.00 for each item of towing equipment (i.e., flatbeds, wheel lifts and conventional wreckers).

§ 147-12. Safety requirements.

C. Contain no rotating lights or sirens except by permission granted by the Chief of Police.

§ 147-14. Maximum rates.

C. Cleanup of accident scene: \$25.00 per hour. First 15 minutes is included in the tow and after the first 15 minutes of clean-up the fee will be \$25.00 per hour plus \$15.00 per bag of speedy dry if the full bag is utilized.

§ 147-16. Customer receipt and price quotation.

A. The operator of a wrecker shall advise the customer of the charges for services to be rendered in advance of his rendition and give the customer a receipt for the fee paid.

B. A quarterly report will be provided to the Township of Marlboro reflecting all monies collected for all towing and storage charges along with any other additional fees charged. This report will be sent to the Marlboro Township/ Traffic Safety Bureau.

§ 147-19. Suspension or revocation of license.

A license issued under this chapter may be suspended or revoked by the Chief of Police or some member of the police force designated by him for the violation of any provision of this chapter or any regulations adopted thereunder; provided, however, that the Chief of Police or his designee shall impose the progressive discipline set forth within §147-20(D). Upon such suspension or revocation, the licensee shall be entitled, by application in writing, to a hearing before the Review Committee, as to whether the suspension should be revoked or adjusted or as to whether the license should be restored. The Review Committee shall have the authority to restore said license, affirm the suspension and/or adjust the length of such suspension, or revoke any license issued under this chapter for the violation of any provision of this chapter or any regulations adopted thereunder. The Review Committee shall

cause to be served upon said licensee, not less than five days before the hearing on any license suspension or revocation, written charges, and said applicant may file written answers thereto not less than two days prior to said hearing, and said licensee shall be entitled to be represented by counsel and present his defense to said charges.

§ 147-20. Establishment of authorized call list.

D. The Chief of Police or his designee shall maintain a record of all calls placed to the wreckers on the call list. In the event that a wrecker fails to respond to calls received, the wrecker shall be subject to progressive discipline as follows:

(1) In the event that a wrecker fails to respond to 50% or more of all calls received by that wrecker in one calendar month, then the wrecker shall be suspended for the following calendar month.

(2) If a wrecker fails to respond to 50% or more of all calls received by that wrecker for two calendar months, whether or not they are consecutive or in the same year, then the wrecker shall be suspended for the following six calendar months.

(3) If a wrecker fails to respond to 50% or more of all calls received by that wrecker for three calendar months, whether or not they are consecutive or in the same year, then the wrecker shall be suspended for the following calendar year.

(4) If a wrecker fails to respond to 50% or more of all calls received by that wrecker for four calendar months, whether or not they are consecutive or in the same year, then the wrecker shall be terminated. A copy of the response record shall be made available to a wrecker who is suspended or terminated.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-251 (Acceptance of Audit) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-251

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2006 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations
Auditor's Opinion
Single Audit Findings

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations
Auditor's Opinions

Single Audit Findings

as evidenced by the group affidavit form of the governing body,
and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Res. # 2007-252 (Corrective Action Plan) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-252

RESOLUTION APPROVING AND ACCEPTING

CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2006 Annual Audit of the Township of Marlboro, conducted by Hutchins, Farrell, Meyer & Allison, P.A., contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2006 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

TOWNSHIP OF MARLBORO CORRECTIVE ACTION PLAN

FINDING 2006-1

The proper maintenance of a General Fixed Asset Account Group is required by technical Accounting Directive 85-2

CORRECTIVE ACTION:

A physical inventory of township owned assets will be performed in the near future. Once established, this listing will be maintained within the Finance Department as per state statute.

FINDING 2006-2

The Bail account should be reconciled on a timely basis as required by the Administrator of Courts.

CORRECTIVE ACTION:

Irene Moore, Court Administrator for the Township of Marlboro has been instructed to implement more timely reconciliation practices through meetings with Township Administrator Judith Tiernan and Township Judge, Richard Gantner.

The following Res. # 2007-253 (Supporting "Over the Limit Under Arrest 2007 Crackdown" - Aug. 17 - Sept. 3) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-253

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, a enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has asked law enforcement agencies throughout the State to participate in the OVER THE LIMIT UNDER ARREST 2007 IMPAIRED DRIVING CRACKDOWN; and

WHEREAS, the project will involve increased impaired driving enforcement from August 17 - September 3, 2007; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; and

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the OVER THE LIMIT UNDER ARREST 2007 CRACKDOWN from August 17 - September 3, 2007 and pledges to increase awareness of the dangers of drinking and driving.

The following Res. # 2007-254 (Authorizing Amendment to Project Agreement - Green Acres) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007- 254

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Marlboro has previously obtained a loan of \$1,750,000.00 and/or a grant of \$1,750,000.00 from the State and has entered into a Project Agreement ("Agreement") dated August 2, 2007 to fund the following project(s): Open Space Acquisition; and

WHEREAS, the State and the Township of Marlboro intend to increase Green Acres funding; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Marlboro.

1. That ROBERT KLEINBERG or the successor to the office of Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$1,750,000.00 and any further amendment thereto for the project; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,750,00.00; and
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all the applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

The following Res. # 2007-255 (Supporting Route 9 and Texas Road Sidewalk) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-255

A RESOLUTION BY THE TOWNSHIP OF MARLBORO IN SUPPORT OF
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S INSTALLATION
OF SIDEWALKS ON ROUTE 9 BETWEEN THE
REGAL SHOPPING CENTER AND TEXAS ROAD

WHEREAS, the New Jersey Department of Transportation (NJDOT), Office of Bicycle and Pedestrian Program (OBPP) received a complaint from the Marlboro Township Police Department requesting that the NJDOT install sidewalks on both sides of Route 9 in the area between the Regal Shopping Center and Texas Road; and

WHEREAS, this portion of Route 9 is the municipal border between Marlboro Township and Old Bridge Township; and

WHEREAS, the OBPP has investigated the field conditions along this portion of Route 9 and, as set forth within correspondence dated July 23, 2007 (which is attached hereto), has agreed that sidewalks are warranted at this location; and

WHEREAS, the OBPP has indicated that the next step in the process is to present this project to the NJDOT's Division of Capital Programs for funding approval; and

WHEREAS, in order to facilitate the implementation of this project, the OBPP has requested that Marlboro Township adopt a resolution of support and issue a letter of endorsement for this project; and

WHEREAS, the OBPP has also indicated that it is necessary for Marlboro Township to agree to maintain and to be responsible for snow removal, as necessary, for all sidewalks installed under this project that are located within Marlboro Township.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Marlboro Township recognizes the necessity for the

installation of sidewalks on both sides of Route 9 between Regal Shopping Center and Texas Road and supports the OBPP's application to seek funding from the NJDOT Division of Capital Programs for this project; and

BE IT FURTHER RESOLVED that the Township of Marlboro agrees to maintain and to be responsible for snow removal, as necessary, on the sidewalks installed under this project that are located within Marlboro Township and further agrees to provide a letter of endorsement for this project to the NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
- b. Township Administrator
- c. Marlboro Township Police Department
- d. Gluck Walrath, LLP

The following Res. # 2007-256 (Expanding Contract Birdsall - Remediation Geoghegan Property - B. 120, L. 36) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-256

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING AND ENVIRONMENTAL SERVICES FOR SITE INVESTIGATION AT GEOGHEGAN PROPERTY, 82 TENNENT ROAD, BLOCK 120, Lot 36 IN MARLBORO TOWNSHIP

WHEREAS, by Resolution #2007-212, the Township of Marlboro authorized the execution of a professional services contract between Birdsall Engineering, Inc. and the Township in connection with the preparation of Preliminary Assessment and Site Inspection Report for the Geoghegan Property, 82 Tennent Road, Block 120, Lot 36; and

WHEREAS, as a result of the Preliminary Assessment and Site Inspection Report, the Township is in need of professional engineering and environmental services for additional site investigation at the Geoghegan Property, 82 Tennent Road, Block 120, Lot 36 in Marlboro Township; and

WHEREAS, Birdsall Engineering, Inc. has submitted a proposal dated July 26, 2007 to provide the required professional engineering

and environmental services for an amount not to exceed \$8,950.00;
and

WHEREAS, Birdsall Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional engineering and environmental services for site investigation at Geoghegan Property, 82 Tennent Road, Block 120, Lot 36 in Marlboro Township in accordance with the proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional engineering and environmental services in accordance with the proposal for an amount not to exceed \$8,950.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-15-56-859-815; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.

- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-257 (Person to Person Transfer - Fireside Lodge to Just Sports Bar & Grill, Inc.) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-257

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON-
TO-PERSON TRANSFER OF A CERTAIN PLENARY RETAIL
CONSUMPTION LICENSE

WHEREAS, application has been made by Just Sports Bar & Grill, Inc. for a person-to-person transfer of a Plenary Retail Consumption License Number 1328-33-003-002 presently held by Fireside Lodge; and

WHEREAS, the applicant has disclosed and the appropriate Township officials have reviewed the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The applicant has disclosed and the authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the transfer of the aforesaid alcoholic beverage license.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the application for person-to-person transfer of Plenary Retail Consumption License Number 1328-33-003-002 filed by Just Sports Bar & Grill, Inc., to be used under the trade name of Just Sports Bar & Grill located at 139 Route 79 in the Township of Marlboro be and hereby is approved, subject to the conditions set forth hereinbelow.

1. The approval of the Division of Alcoholic Beverage Control to the person-to-person transfer of the aforesaid license to Just Sports Bar & Grill, Inc.
2. That prior to the use of the aforesaid license for the sale, service or consumption of alcoholic beverages on the premises, the licensee notify the Code Enforcement Officer of the Township of Marlboro for the purposes of said officials making an inspection of the premises and a determination of the maximum permitted occupancy of the premises pursuant to applicable Township ordinances.
3. That the licensee comply with the aforesaid maximum occupancy of the premises as determined by the code Enforcement Officer of the Township of Marlboro.
4. Subject to final clearance from all appropriate law enforcement agencies.

BE IT FURTHER RESOLVED that the license transferred herewith shall be subject to suspension or revocation for a violation of any of the aforesaid conditions pursuant to N.J.S.A. 33:1-32.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- e. Just Sports Bar & Grill, Inc.
- f. Township Administrator
- g. Director of the Division of Alcoholic Beverage Control
- h. Marlboro Township Police Department
- i. Gluck Walrath, LLP

The following Res. # 2007-258 (Award of Bid - Police/Building Addition) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-258

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
PERFORMANCE OF CONSTRUCTION WORK ON THE
ADDITION TO THE MARLBORO TOWNSHIP
MUNICIPAL BUILDING

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the performance of construction work on the addition to the Marlboro Township Municipal Building in Marlboro Township; and

WHEREAS, the Township received five (5) bids from the following vendors in the following amounts:

- A. Tri-Form Construction, Inc.
 119 Liberty Street
 Metuchen, NJ 08840
 Base Bid: \$691,800.00;

- B. Gavan General Contracting, Inc.
 1500 N. Apple Street
 Lakewood, NJ 08701
 Base Bid: \$815,000.00;

- C. Santorini Construction, Inc.
 1 South Riverside Drive
 Neptune, NJ 07753
 Base Bid: \$897,000.00;

- D. Procomm Systems Inc.
 823 Uniontown Road
 Phillipsburg, NJ 08865
 Base Bid: \$987,469.00;

- E. GPC, Inc.
 20 E. Willow Street
 Millburn, NJ 07041
 Base Bid: \$1,236,000.00

WHEREAS, the Administration, the Township Engineer and the Township Attorney have reviewed the bids and recommend that the contract be awarded to Tri-Form Construction, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Tri-Form Construction, Inc., for the performance of construction work on the addition to the Marlboro Township Municipal Building in Marlboro Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the performance of construction work on the addition to the Marlboro Township Municipal Building in Marlboro Township be and hereby is awarded to Tri-Form Construction, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Tri-Form Construction, Inc. in an amount not to exceed \$691,800.00, and in accordance with the bid proposal submitted by Tri-Form Construction, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-943-911 (\$276,720.00) and T-23-56-850-859 (\$415,080.00) ; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Tri-Form Construction, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-259 (Award of Bid - 2007 Road Program) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-259

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
PROVISION OF SERVICES AT COLTSBROOK NORTH DEVELOPMENT &
RYAN ROAD FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS 2007 ROAD PROGRAM

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of services at Coltsbrook North Development & Ryan Road for the Township of Marlboro Department of Public Works 2007 Road Program; and

WHEREAS, the Township received seven (7) bids from the following vendors in the following amounts:

- (1) A. Montone Construction, Inc.
88 Stillwell Road
Holmdel, New Jersey 07733
Base Bid: \$693,944.21
Alternate A: \$ 17,290.00
Total Bid: \$711,234.21;
- (2) DeFino Contracting Company
28 Industrial Drive
Cliffwood Beach, NJ 07735
Base Bid: \$686,719.00
Alternate A: \$ 29,000.00
Total Bid: \$715,719.00;
- (3) Star of the Sea Concrete
448 Marlboro Road
Old Bridge, New Jersey 08857
Base Bid: \$697,370.90
Alternate A: \$ 28,585.00
Total Bid: \$725,955.90;
- (4) Meco, Inc.
P.O. Box 536
Clarksburg, New Jersey 08510
Base Bid: \$748,232.70
Alternate A: \$ 29,500.00
Total Bid: \$777,732.70;
- (5) Earle Asphalt Company
P.O. Drawer 556
Farmingdale, NJ 07727
Base Bid: \$768,474.30
Alternate A: \$ 28,238.83
Total Bid: \$796,713.13;
- (6) Lucas Construction Group, Inc.
1696 Englishtown Road
Old Bridge, New Jersey 08857
Base Bid: \$795,013.50
Alternate A: \$ 26,450.00
Total Bid: \$821,463.50;
- (7) Stavola Contracting Company, Inc.

P.O. Box 482
Red Bank, New Jersey 07701
Base Bid: \$1,027,180.00
Alternate A: \$ 34,460.00
Total Bid: \$1,061,640.00; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed said bids and recommend that the contract for the Base Bid and Alternate A be awarded to A. Montone Construction, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract for the Base Bid and Alternate A to the lowest qualified bidder, A. Montone Construction, Inc., for provision of services at Coltsbrook North Development & Ryan Road for the Township of Marlboro Department of Public Works 2007 Road Program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for services at Coltsbrook North Development & Ryan Road for the Township of Marlboro Department of Public Works 2007 Road Program be and hereby is awarded to A. Montone Construction, Inc., and that the Mayor is authorized to execute a contract for the Base Bid and Alternate A, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and A. Montone Construction, Inc. for provision of services at Coltsbrook North Development & Ryan Road for the Township of Marlboro Department of Public Works 2007 Road Program, and in accordance with the for the Base Bid and Alternate A proposal submitted by A. Montone Construction, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-962-903 (\$650,000) and X-04-55-962-933 (\$60,298.21).

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. A. Montone Construction, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-260 (Chapter 159 - NJ Enhanced 911 General Assistance Grant) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-260

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$35,584.00, which item is now available as a revenue from the New Jersey 911 Commission, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$35,584.00 is hereby appropriated under the caption "NJ Enhanced 911 General Assistance Grant".

The following Res. # 2007-261 (Chapter 159 - NJ Enhanced 911 Equipment Grant) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-261

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$16,000.00, which item is now available as a revenue from the New Jersey 911 Commission, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$16,000.00 is hereby appropriated under the caption "NJ Enhanced 911 Equipment Grant".

Council President Cantor asked for the following Resolutions to be removed from the consent agenda:

Res. #2007-263 (Award of Bid - Hot Tack Distributor) and
Res. #2007-264 (Award of Bid - Six Wheel Broom Street Sweeper).

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli):

Res. #2007-262 (Reject and Rebid - Replacement of 3 Dump Bodies),
Res. #2007-265 (Award of Bid - Dump Trucks),
Res. #2007-266 (Award of Bid - Police Uniforms),
Res. #2007-267 (Authorization to Bid - Brush Grinding),
Res. #2007-268 (Award of State Contract - Office Supplies - WB Mason),
Res. #2007-269 (Redemption Tax Sale Cert. B. 386, L. 51),
Res. #2007-270 (Refunds for Overpayment - Various),
Res. #2007-271 (Refund for Mon. County Judgment B. 176, L. 23),
Res. #2007-272 (Refund for Mon. County Judgment - Various),
Res. #2007-273 (Senior Citizen Deduction - B. 385, Lot 12),
Res. #2007-274 (Widow of Veteran Deduction - B. 386, L. 32),
Res. #2007-275 (Veteran Deductions - Various),
Res. #2007-276 (Canceling Taxes Midway Mobile - B. 147, L. 43),

Res. #2007-277 (Canceling Taxes Exempt Properties - Various),
Res. #2007-278 (Canceling Taxes on Properties Conveyed to Marlboro),
Res. #2007-279 (Canceling Taxes on B. 360, L. 5.01) and
Res. #2007-280 (Raffle License Robertsville Elementary PTO).

RESOLUTION # 2007-262

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE
PROVISION OF THREE (3) REPLACEMENT FIVE/SEVEN CUBIC YARD
STEEL DUMP BODIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT
OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of
bids for the provision of three (3) replacement five/seven cubic
yard steel dump bodies for the Department of Public Works; and

WHEREAS, following the receipt of bids for the performance of
said goods, it was determined that the lowest bid received
substantially exceeded the available appropriation for said dump
bodies.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance
with N.J.S.A. 40A:11-13.2(b), that all bids received by the Township
for the provision of three (3) replacement five/seven cubic yard
steel dump bodies for the Department of Public Works be and hereby
are rejected.

BE IT FURTHER RESOLVED that the Business Administrator is
hereby authorized to amend and revise bid specifications and to re-
advertise for open, competitive bids for the provision of three (3)
replacement five/seven cubic yard steel dump bodies for the
Department of Public Works.

RESOLUTION # 2007-265

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR THE PROVISION OF TWO (2) SIX CUBIC
YARD DUMP TRUCKS AND RELATED EQUIPMENT FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance
of bids for the provision of two (2) six cubic yard dump trucks and
related equipment for the Township of Marlboro Department of Public
Works; and

WHEREAS, the Township received five (5) bids from the following
vendors:

1. Freedom International Trucks
6602 New State Road
Philadelphia, PA 19135
\$282,200.00
2. IMSupplies, Inc.
4200 Chambers Hill Road - PO Box 4128
Harrisburg, PA 17111-0128
\$299,900.00
3. Robert H. Hoover and Sons, Inc.
1784 Route 9
Toms River, NJ 08755
\$308,342.00
4. Campbell Freightliner, LLC
145 Talmadge Road, Suite 8
Edison, NJ 08818
\$311,098.00
5. H.A. DeHart and Sons, Inc.
311 Crown Point Road
Thorofare, NJ 08086
\$318,800.00

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney determined that Freedom International Trucks is the lowest responsive bidder submitting a bid compliant with the specifications promulgated by the Township; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney recommend that the contract be awarded to Freedom International Trucks as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Freedom International Trucks for the provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works be and hereby is awarded to Freedom International Trucks, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of

Marlboro and Freedom International Trucks, Inc. for provision of two (2) six cubic yard dump trucks and related equipment for the Township of Marlboro Department of Public Works in an amount not to exceed \$282,00.00, and in accordance with the bid proposal submitted by Freedom International Trucks; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-962-930; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Freedom International Trucks
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

RESOLUTION # 2007-266

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THIS
AND THAT UNIFORMS, LLC FOR THE PROVISION OF UNIFORMS FOR
THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of uniforms for the Township of Marlboro Police Department; and

WHEREAS, the Township received the following three (3) bids for the provision of uniforms for the Township of Marlboro Police Department:

1. Red the Uniform Tailor
475 Oberlin Avenue S.
Lakewood, NJ 08701

Item No.	Description	Maximum	Unit Price	Total
P-1	Pants	304	84.00	25,536.00
P-2	Long Sleeve Shirts-Blue	304	54.00	16,416.00
P-2	Long Sleeve Shirts- White	44	54.00	2,376.00
P-3	Short Sleeve Shirts- Blue	304	54.00	16,416.00
P-3	Short Sleeve Shirts- White	44	54.00	2,376.00
P-4	Tie	200	5.00	1,000.00
P-5	Leather Boots	76	99.00	7,524.00
P-6	RESERVED	--	--	0.00
P-7	Raincoat	76	242.00	18,392.00
P-8	Car Duty Jacket	76	249.00	18,924.00
P-9	Sweater	76	66.00	5,016.00

P-11	Hats	76	49.00	3,724.00
P-12	Utility Shoes	76	99.00	7,524.00
P-13	Utility Uniform	76	90.00	6,840.00
P-14	Helmet	76	No Bid	No Bid
D-2	Mens Pants	20	18.00	360.00
D-3	Mens Long Sleeve Shirts	20	59.00	1,180.00
D-4	Mens Short Sleeve Shirts	20	57.00	1,140.00
D-5	Mens Ties	15	5.00	75.00
D-6	Ladies Ties	15	5.00	75.00
D-7	Ladies Long Sleeve Shirts	42	59.00	2,478.00
D-8	Ladies Short Sleeve Shirts	42	57.00	2394.00
D-9	Ladies Slacks	42	20.00	840.00
D-10	Dispatcher Sweater	15	45.00	675.00
D-11	Duty Belt	15	18.00	270.00
P-15	Lt. Weight Jacket	76	125.00	9,500.00

2. Bob's Uniform Shop
P.O. Box 578
Middletown, NJ 07748

Item No.	Description	Maximum	Unit Price	Total
P-1	Pants	304	75.95	23,088.80
P-2	Long Sleeve Shirts-Blue	304	38.00	11,552.00
P-2	Long Sleeve Shirts- White	44	29.00	1,276.00
P-3	Short Sleeve Shirts- Blue	304	35.00	10,640.00
P-3	Short Sleeve Shirts- White	44	26.00	1,144.00
P-4	Tie	200	4.00	800.00
P-5	Leather Boots	76	125.00	9,500.00
P-6	RESERVED	--	--	0.00
P-7	Raincoat	76	185.00	14,060.00
P-8	Car Duty Jacket	76	175.00	13,300.00
P-9	Sweater	76	99.95	7,596.20
P-11	Hats	76	34.95	2,656.20
P-12	Utility Shoes	76	85.00	6,460.00
P-13	Utility Uniform	76	90.00	6,840.00
P-14	Helmet	76	325.00	24,700.00
D-2	Mens Pants	20	13.50	270.00
D-3	Mens Long Sleeve Shirts	20	42.00	840.00
D-4	Mens Short Sleeve Shirts	20	40.00	800.00
D-5	Mens Ties	15	4.00	60.00
D-6	Ladies Ties	15	40.00	600.00
D-7	Ladies Long Sleeve Shirts	42	42.00	1,764.00
D-8	Ladies Short Sleeve Shirts	42	40.00	1,680.00
D-9	Ladies Slacks	42	14.50	609.00
D-10	Dispatcher Sweater	15	44.00	660.00
D-11	Duty Belt	15	14.00	210.00
P-15	Lt. Weight Jacket	76	140.00	10,640.00

3. This and That Uniforms, LLC
1500 South New Road
Pleasantville, NJ 08232

Item No.	Description	Maximum	Unit Price	Total
P-1	Pants	304	78.00	23,712.00
P-2	Long Sleeve Shirts-Blue	304	51.00	15,504.00
P-2	Long Sleeve Shirts- White	44	51.00	2,244.00
P-3	Short Sleeve Shirts- Blue	304	51.00	15,504.00
P-3	Short Sleeve Shirts- White	44	51.00	2,244.00
P-4	Tie	200	7.00	1,400.00
P-5	Leather Boots	76	165.00	12,540.00
P-6	RESERVED	--	--	0.00
P-7	Raincoat	76	250.00	19,000.00
P-8	Car Duty Jacket	76	279.00	21,204.00
P-9	Sweater	76	120.00	9,120.00
P-11	Hats	76	42.00	3,192.00
P-12	Utility Shoes	76	129.00	9,804.00
P-13	Utility Uniform	76	89.00	6,764.00
P-14	Helmet	76	225.00	17,100.00
D-2	Mens Pants	20	24.00	480.00
D-3	Mens Long Sleeve Shirts	20	49.00	980.00
D-4	Mens Short Sleeve Shirts	20	49.00	980.00
D-5	Mens Ties	15	6.50	97.50
D-6	Ladies Ties	15	6.50	97.50
D-7	Ladies Long Sleeve Shirts	42	49.00	2,058.00
D-8	Ladies Short Sleeve Shirts	42	49.00	2,058.00
D-9	Ladies Slacks	42	24.00	1,008.00
D-10	Dispatcher Sweater	15	68.00	1,020.00
D-11	Duty Belt	15	16.00	240.00
P-15	Lt. Weight Jacket	76	134.00	10,184.00

WHEREAS, the Administration, Police Department and the Township Attorney have reviewed the bids received and determined that the bids submitted by Red the Uniform Tailor and Bob's Uniform Shop are not legally compliant and must be rejected; and

WHEREAS, the Administration, Police Department and the Township Attorney recommend that a contract be awarded to This and That Uniforms, LLC as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, This and That Uniforms, LLC, for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the bids submitted by Red the Uniform Tailor and Bob's Uniform Shop are rejected as legally noncompliant; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of uniforms for the Township of Marlboro Police Department should be awarded to This and That Uniforms, LLC and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and This and That Uniforms, LLC for the provision of uniforms for the Township of Marlboro Police Department subject to the rates set forth above and in accordance with the bid proposal submitted by This and that Uniforms, LLC, which is on file with the Township; and

BE IT FURTHER RESOLVED that prior to placing an order, the Chief Financial Officer shall prepare a certification of available funds and same shall be attached to the file copy of the purchase order; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. This and That Uniforms, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

RESOLUTION # 2007-267

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Brush Grinding

RESOLUTION # 2007-268

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE SUPPLIES FOR
THE TOWNSHIP OF MARLBORO STATE CONTRACT #A59767

WHEREAS, the Marlboro Township Administration Department has recommended that the Township purchase office supplies from

W.B. Mason Company, Inc., South River Drive, Cranbury, NJ 08521 under State Contract #A59767 not to exceed \$15,000; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide office supplies to the Township of Marlboro; and

WHEREAS, funds are available in various accounts listed below for a combined amount not to exceed \$15,000 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available from the following account numbers:

- | | | | | |
|----------------------|---|-------|----------|-----------|
| 1) Administration | - | 7-01- | -030-209 | (\$9,000) |
| 2) Building | - | T-23- | -850-845 | (\$4,300) |
| 3) Police Department | - | 7-01- | -106-205 | (\$1,200) |
| 4) Traffic & Safety | - | 7-01- | -107-205 | (\$500) |

WHEREAS, the Township Council desires to approve the purchase of said office supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office supplies from W.B. Mason Company, Inc., South River Drive, Cranbury, NJ 08521 under State Contract #A59767 not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. W.B. Mason Co., Inc., Cranbury, NJ
- b. Township Administrator
- c. Township Departments
- d. Township Chief Financial Officer
- e. Gluck, Walrath, LLP

RESOLUTION # 2007-269

WHEREAS, Tax Sale Certificate #07-26 for Block 386 Lot 51, assessed to Stephen Klemas, located at 9 Lansdale Drive, has been redeemed in the amount of \$10,500.16,

WHEREAS, the holder of the above-mentioned tax sale certificate, American Tax Funding, LLC, is entitled to the amount of the sale plus interest and costs totaling \$10,500.16,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$10,500.16 be refunded to the holder of said certificate as above.

RESOLUTION # 2007-270

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2007, and,

WHEREAS, the 2007 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$1,580.42 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
233	13	John & Barbara Murray	\$ 926.16
10 Prescott Drive		10 Prescott Drive	
		Marlboro, NJ 07746	
364	30.01	NLB#3, LLC	654.26
143 School Road East		2002 Route 70, STE 2	
		Manchester, NJ 08759	
TOTAL:			<u>\$1,580.42</u>

RESOLUTION # 2007-271

WHEREAS, the Monmouth County Board of Taxation has granted a judgment in the amount of \$1,632.43 for the year 2007 for Block 176 Lot 23, located on Route 9, assessed to Madlen Fizicki,

WHEREAS, the application of this judgment results in a credit balance of \$20.63 for 2007 taxes, the Tax Collector is directed to refund this amount of \$20.63,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$20.63 as noted above.

RESOLUTION # 2007-272

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2007, as per the attached Schedule "A",

WHEREAS, the 2007 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$59,359.71,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$59,359.71 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
155	20.29	Zhi Hao & Hong Yin Zhang	\$ 343.01
815	Turquoise Trail	815 Turquoise Trail Morganville, NJ 07751	
180	83.17	Frank & Filomena Scivoletto	3,527.87
385	Deerfield Road	385 Deerfield Road Morganville, NJ 07751	
180	83.21	Geula Baity	2,847.35
345	Deerfield Road	345 Deerfield Road Morganville, NJ 07751	
180	83.22	Marc & Ann Marie Ellenberg	3,406.80
335	Deerfield Road	335 Deerfield Road Morganville, NJ 07751	
180	83.23	Jing Li & Wen Li	2,759.67
325	Deerfield Road	325 Deerfield Road Morganville, NJ 07751	

180	83.24	Jodie A. Sherer	3,141.26
305 Deerfield Road		305 Deerfield Road	
		Morganville, NJ 07751	
180	83.25	Jacob & Iris L. Steinberg	2,759.67
395 Deerfield Road		295 Deerfield Road	
		Morganville, NJ 07751	
180	83.26	Larry & Marina Engel	3,507.00
285 Deerfield Road		285 Deerfield Road	
		Morganville, NJ 07751	
180	83.28	Joseph & Josephine Caputo	3,348.35
255 Deerfield Road		225 Deerfield Road	
		Morganville, NJ 07751	
180	83.29	Tracey Pelman	3,440.20
235 Deerfield Road		235 Deerfield Road	
		Morganville, NJ 07751	
180	83.30	Chi-Chung & Lydia Chen	2,851.53
215 Deerfield Road		215 Deerfield Road	
		Morganville, NJ 07751	
180	83.31	Robert & Joan Palermo	4,108.20
185 Deerfield Road		185 Deerfield Road	
		Morganville, NJ 07751	
180	83.32	Yegeny & Natalie Faybyshev	5,707.22
175 Deerfield Road		175 Deerfield Road	
		Morganville, NJ 07751	
180.01	22	D. Horschler & Xin Xin Wang	2,822.30
240 Deerfield Road		240 Deerfield Road	
		Morganville, NJ 07751	
180.01	23	Brian W. & Maria Dillon	3,532.05
250 Deerfield Road		250 Deerfield Road	
		Morganville, NJ 07751	
180.01	24	Elliot & Valerie Kaufman	4,166.65
260 Deerfield Road		260 Deerfield Road	
		Morganville, NJ 07751	
180.01	26	David & Amy Jarashow	1,002.00
280 Deerfield Road		280 Deerfield Road	
		Morganville, NJ 07751	

268	77	Eansley & Jean H. Boyce	784.89
71 Route 520		71 Route 520	
		Englishtown, NJ 07726	
268.01	45	Donna Suydam	1,315.13
3 Bartram Road		3 Bartram Road	
		Englishtown, NJ 07726	
268.01	46	Chris Suydam	480.12
Bartram Road		3 Bartram Road	
		Englishtown, NJ 07726	
398	18	George & Frances Lusick	1,930.68
20 Crossridge Cir.		20 Crossridge Circle	
		Marlboro, NJ 07746	
408	24	Jeffrey David & Ellen Kaplan	1,577.76
67 Steeplechase Dr.		67 Steeplechase Drive	
		Marlboro, NJ 07746	
TOTAL:			<hr/> \$ 59,359.71

RESOLUTION # 2007-273

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2007 for Block 385 Lot 12, located on 30 Lansdale Drive, assessed to Eleanor Sheldon c/o Nancie Sheldon,

WHEREAS, taxes for the year 2007 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2007-274

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2007 for Block 386 Lot 32, located on 28 Oriel Way, assessed to Jean Pensabene,

WHEREAS, taxes for the year 2007 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 to the above-mentioned taxpayer.

RESOLUTION # 2007-275

WHEREAS, Veteran deductions totaling \$1,250.00 have been granted as per the attached Schedule "A" for the year 2007,

WHEREAS, taxes for the year 2007 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
139	42	Coleman & Theresa Nutter	\$250.00
208 Nottingham Road		208 Nottingham Road	
		Morganville, NJ 07751	
184	96	Steven & Cheryl Jeruchimowitz	250.00
12 Emerald Drive		12 Emerald Drive	
		Morganville, NJ 07751	
193.13	35	Gerald & Susan Gumpert	250.00
249 Sunderland Ct.		249 Sunderland Court	
		Marlboro, NJ 07746	
305	55	Richard & Linda Rongo	250.00
230 Gordons Corner Rd		230 Gordons Corner Road	
		Morganville, NJ 07751	
396	192	Lillian & Seymour Flam	250.00
12 Jack Lane		12 Jack Lane	
		Marlboro, NJ 07746	
TOTAL:			<u>\$1,250.00</u>

RESOLUTION # 2007-276

RESOLUTION CANCELING 2007 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION AT BLOCK 147,
LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2007 real estate taxes assessed against the property must be canceled.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the 2007 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$15,807.56, are hereby canceled.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Midway Mobile Homeowner's Association
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor

RESOLUTION # 2007-277

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the 2007 second quarter,

WHEREAS, the aforementioned properties were conveyed to the Township of Marlboro, and are exempt as of February 9th, 2007,

WHEREAS, this is now Township property, and the 2007 second quarter taxes have already been cancelled,

WHEREAS, the 2007 third and fourth quarters have now been determined, the Tax Collector has recommended that the 2007 third and fourth quarters be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2007 third and fourth quarter taxes totaling \$4,108.20 as specified above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
155	13.03	Township of Marlboro	\$3,743.21
364 Pleasant Valley Road			
155	13.03 QFARM	Township of Marlboro	364.99
Pleasant Valley Road			
TOTAL:			\$ 4,108.20

RESOLUTION # 2007-278

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the year 2007,

WHEREAS, the aforementioned properties was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2007 taxes totaling \$2,155.85 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
171	36.09	Township of Marlboro	\$ 807.32
Carmel Court			
268.05	16	Township of Marlboro	1,348.53
Tennent Rd. & Rte. 520			
TOTAL:			\$2,155.85

RESOLUTION # 2007-279

WHEREAS, there are taxes for the year 2007 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 360 Lot 5.01, located on Timber Lane,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2007 taxes totaling \$225.36 as stated above.

RESOLUTION # 2007-280

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-07 (Off Premise 50/50) be and it is hereby granted to Robertsville Elementary School PTO, 36 Menzel Lane, Marlboro, N.J. 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on December 18, 2007 at 8 PM at Robertsville Elementary School 36 Menzel Lane, Marlboro, N.J. 07746.

Discussion followed on Res. #2007-263 (Award of Bid - Hot Tack Distributor). After discussion Cantor motioned to table Res. #2007-263. This was seconded by Councilman Pernice and on a roll call vote of 4 - 0 in favor (Absent: Morelli).

Discussion followed on Res. #2007-264 (Award of Bid - Six Wheel Broom Street Sweeper). After discussion, Councilwoman Tragni motioned to table Res. #2007-264. This was seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

The following Res. # 2007-282 (Chapter 159 - "You Drink, You Drive, You Lose Grant") was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2007-282

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$5,000.00, which item is now available as a revenue from the 2007 You Drink, You Drive, You Lose Grant, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$5,000.00 is hereby appropriated under the caption "You Drink, You Drive, You Lose Grant".

At 10:10 PM, Council Vice President Rosenthal moved that the meeting go into executive session for reason of discussing litigation, potential litigation and contract negotiations. This was seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli). Recess was called and the executive session reconvened at 10:25 PM.

RESOLUTION # 2007-281

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of August, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation, potential litigation and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:40 PM, Councilman Pernice moved that the meeting be opened. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:41 PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: September 6, 2007

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Rosenthal

NAYS: 0

ABSTAIN: Morelli

ALIDA DE GAETA
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL VICE PRESIDENT